

### **REMARKS**

Applicants have carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Claims 1 - 5 and 8 - 20 were pending in the present application before the present amendment. The present amendment: amends certain claims, as discussed below; cancels claims 2, 3, and 19; and adds claims 21 - 27. Thus, claims 1, 4 - 5, 8 - 18, and 20 - 27 are pending in the present application after the present amendment.

Applicants thank the Examiner for the courtesy of an interview granted to Applicants' representative David Zviel, registration number 41,392, on 28 February 2005. In the interview, proposed changes to the language of claims 1, 15, 20, and 21 were discussed. Applicants' representative explained Applicants' position that the changes distinguish the claims from the references of record. The Examiner graciously agreed to provide a further evaluation of the allowability of the claims in light of the proposed changes prior to Applicants' representative providing a formal response to the outstanding Office Action.

In further informal communications with the Examiner, the Examiner suggested further changes to claims 1 and 15, in order to move the current application closer to allowance. These changes are discussed in greater detail below.

Claims 1, 2, 4, 5, 8 - 10, 12 - 18 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,473,858 to Shimomura et al, and further in view of US Patent 6,553,568 to Fijolek et al.

Shimomura et al describes a data broadcasting system including quality of service features.

Fijolek et al describes a system for service level agreement enforcement in a data-over-cable system.

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimomura et al and Fijolek et al and further in view of US Patent 6,393,562 to Maillard.

Maillard describes a conditional access system including Entitlement Control Messages (ECM) and Entitlement Management Messages (EMM).

As per the suggestion of the Examiner, claim 1 has been amended to recite the limitations of claims 2 and 3. Claim 1 has additionally been amended to correct a grammatical error therein. Furthermore, the phrase, "in response to a result of the determining step" has been added to claim 1. The addition of the phrase "in response..." is supported, inter-alia, on page 14 of the disclosure.

The additional limitations of distributing to entitled users service-level decryption key derivation information for decrypting encrypted data, and comprising the aforementioned derivation information in an ECM distinguish claim 1 from the references of record.

Claim 1 is therefore deemed allowable.

Accordingly, claims 2 and 3 have been cancelled.

Claims 4 - 5, 8 - 10, and 12 - 14 all depend, either directly or indirectly, from amended claim 1.

Claims 4 - 5, 8 - 10, and 12 - 14 are therefore deemed allowable with reference to the discussion of the allowability of amended claim 1.

Claim 15 is a system claim corresponding to claim 1 and has been amended similarly to amended claim 1.

Amended claim 15 is therefore deemed allowable with reference to the discussion of the allowability of amended claim 1.

Claims 16 - 18 depend directly or indirectly from amended claim 15 and are therefore deemed allowable with reference to the discussion of the allowability of amended claim 15.

Claim 20, before the present amendment, recites: "...each one of the plurality of service-levels includes an indication of at least one of the following: a number of users that may concurrently connect to the transmission service; a set of transmission applications served; a type of downgrade support to a service-level

lower in the QOS hierarchy; a type of disconnect-on-idle operation; and a determination of a Web server to connect to.”

Fijolek et al describes that “each of the plurality of service levels includes an indication of ... a number of users that may concurrently connect to the transmission service...” (col. 22, lines 9 - 20). Accordingly, the phrase, “a number of users that may concurrently connect to the transmission service” has been deleted from claim 20.

Claim 20 is therefore deemed allowable.

Claim 11 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Shimomura et al and Fijolek et al and further in view of US Patent 5,161,193 to Lampson et al.

Lampson et al describes a cryptographic apparatus for in-line encryption and decryption of data packets transmitted in a communication network.

Claim 11 depends from amended claim 1.

Claim 11 is therefore deemed allowable with reference to the discussion of the allowability of amended claim 1.

Claim 19 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Shimomura et al and further in view of Lampson et al.

Claim 19 has been cancelled.

New claims 21 - 27 have been added.

New claim 21 is supported, inter-alia, on page 14 of the disclosure.

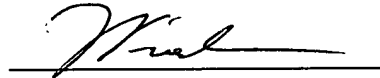
New claims 22 and 23 correspond to embodiments of amended claims 1 and 15, respectively, in which downgrade is made upon confirmation of the user.

New claims 24 - 27 correspond to individual alternative embodiments of claim 20 recited in the list beginning with the phrase: “each one of the plurality...” in claim 20.

New claims 21 - 27, which are all dependent claims, are therefore deemed allowable with reference to the above discussion of their respective base claims.

• In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,



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